



COUNTY OF LOS ANGELES
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October 27, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTI 
Senior Assistant County Counsel

RE: **Arleen Griffith v. County of Los Angeles, et al.**
Los Angeles Superior Court Case No. MC 018 450

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Arleen Griffith v. County of Los Angeles, et al., Los Angeles Superior Court Case No. MC 018 450, in the amount of \$2,853,029.38, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Agricultural Commissioner/Weights and Measures budget.

This lawsuit arises from injuries received in a motor vehicle accident involving an employee of the Department of Agricultural Commissioner/Weights and Measures.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Arleen Griffith v. County of Los Angeles, et al.
CASE NUMBER	MC018450
COURT	Los Angeles Superior Court
DATE FILED	8/20/2007
COUNTY DEPARTMENT	Agricultural Commissioner/Weights and Measures
PROPOSED SETTLEMENT AMOUNT	\$ 2,853,029.38
ATTORNEY FOR PLAINTIFF	R. Rex Parris
COUNTY COUNSEL ATTORNEY	Brian T. Chu
NATURE OF CASE	<p>On January 2, 2007, at approximately 12:25 p.m. Arleen Griffith was traveling approximately 70 miles per hour on eastbound Avenue A approaching 70th Street West, City of Lancaster. At the same time, a County pick-up truck was driven by a County employee in the westbound direction on Avenue A. The County driver slowed to approximately 10 miles per hour before starting a left turn on 70th Street West. He did not see Ms. Griffith in the opposite lane coming towards him, which resulted in a near head-on collision.</p>

As a result of the collision, Ms. Griffith sustained comminuted fracture of her right tibia (10mm) and right fibula (5mm), fractured right ankle, and lacerations to the right leg. She underwent two corrective surgeries for the fractures and anticipates a third ankle fusion surgery. She also claims post-traumatic stress disorder, and continued leg pain. Because of her weakened condition, she claims that she is susceptible to falling and in fact fell in January 2008 resulting in a miscarriage.

Claimant filed suit against the County and its employee contending motor vehicle negligence and vicarious liability.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	180,946
PAID COSTS, TO DATE	\$	123,192



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	January 2, 2007
Briefly provide a description of the incident/event:	Plaintiff was driving eastbound on Avenue A in Lancaster, CA when her vehicle collided with the Defendant, a County employee who was making a left turn from westbound Avenue A onto southbound 70 th Street West.

1. Briefly describe the root cause of the claim/lawsuit:

Left turn with insufficient clearance to oncoming vehicle.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Discipline
Employee suspended August 2007 for three working days.

Pre-Driving Training and Evaluation
Before any department employee can independently operate a County vehicle, he or she must attend a driver safety training and receive a documented, behind the wheel evaluation from a supervisor.

Due Date- ongoing

Responsible Parties – Human resources-Manager and Bureau Chiefs

Ongoing Driving Training and Evaluation
The department will provide mandatory bi-annual safety driver training courses.

No less than annually, supervisors shall ride with each of their subordinates to observe his/her driving and identify any weaknesses and needs for training.

Due Date- ongoing

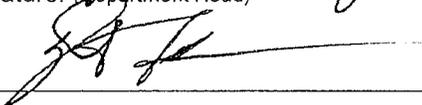
Responsible Parties - Department's Managers

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

Potentially has County-wide implications.

Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 9-28-09
Signature: (Department Head) 	Date: 09-29-09

CORRECTIVE ACTION PLAN

1. General Information

Date CAP completed:	June 5, 2008
Department Involved:	Agricultural Commissioner/ Weights and Measures

2. Incident/Event Specific Information

Date of incident/event	January 2, 2007
Location of incident/event	Avenue A & 70 th Street West Lancaster
Claim Adjuster	Sylvia Hernandez, Carl Warren
If claim is in litigation, please complete the following:	
Attorney	Brian T. Chu, Principal Deputy County Counsel County represented by Monroy, Averbuck & Gysler
• Phone Number	(213) 974-1956

3. Incident/Event Description

Individuals Involved	Arleen Griffith, Claimant Michael B. Dvorak, Defendant (Former County of Los Angeles Employee)
Nature of incident/event	Vehicle collision
Provide a brief written description of the incident/event	Plaintiff was driving eastbound on Avenue A in Lancaster, CA when her vehicle collided with the Defendant, a County employee who was making a left turn from westbound Avenue A onto southbound 70 th Street West.

4. Corrective Action Plan Problem Statement

Provide a written nature of the incident/event problem statement:

A Department employee operating a Department-owned vehicle failed to exercise reasonable care and judgment resulting in a serious vehicle accident.

5. Root Cause Analysis

Root Cause analysis tool used	N/A
Incident/event root causes	N/A

6. Corrective Action Plan Steps

Task number	001
Task name	Pre-Driving Training and Evaluation
System issue	Departmental Policy/Procedure Manual
Schedule start date	July 1, 2007
Schedule completion date	Ongoing task
Responsible person(s)	Human Resources Manager, Bureau Chiefs
Task Description	Before any department employee can independently operate a County vehicle, he or she must attend a driver safety training and receive a documented, behind the wheel evaluation from a supervisor.

Task number	002
Task name	Ongoing Driving Training and Evaluation
System issue	Departmental Policy/Procedure Manual
Schedule start date	July 1, 2007
Schedule completion date	Ongoing task
Responsible person(s)	Supervisors, Deputies and Bureau Chiefs
Task Description	<p>The department will provide mandatory bi-annual safety driver training courses.</p> <p>No less than annually, supervisors shall ride with each of their subordinates to observe his/her driving and identify any weaknesses and needs for training.</p>

Task number	003
Task name	Discipline
System issue	
Start date	August 27, 2007 – August 29, 2007
Schedule completion date	Completed
Responsible person(s)	Department Head
Task Description	Employee suspended for three working days.

7. Review and Authorization

The department has reviewed the incident/event investigation and Corrective Action Plan.

Review and authorization steps	Signature	Date
Document reviewed by Risk Management Staff		
Document approved/reviewed by Department Head		07-20-09